

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 11, 2002

DIVISION ONE

B140775 People (Not for Publication)
v.
Bland

The judgment is affirmed. The trial court is directed to strike the true finding on count 3 pursuant to Penal Code section 12022.53, subdivision (d), and to correct the judgment to reflect that the sentences imposed on counts 2 and 3 concurrently with the sentence on count 1. The trial court is also directed to forward a copy of the amended abstract of judgment to the Department of Corrections.

Mallano, J.

I concur: Spencer, P.J.
I concur and dissent: Ortega, J. (Opinion)

B267553 Kim (Not for Publication)
v.
Cerritos Stephanie Corporation

We reverse the award of punitive damages and direct that plaintiff's claim for punitive damages be tried on remand. In all other respects, the judgment is affirmed. Parties are to bear their own costs.

Mallano, J.

I concur: Spencer, P.J.
I concur and dissent: Ortega, J. (Opinion)

December 11, 2002 (Continued)

DIVISION ONE (Continued)

B158570 Robert Garcia, et al. (Not for Publication)
 v.
 DIRECTV, Inc., et al.

The April 17, 2002, order is affirmed. Garcia is awarded his costs of appeal.

Vogel (Miriam A.), J.

I concur: Spencer, P.J.
I dissent: Ortega, J. (Opinion)

B149437 People (Not for Publication)
 v.
 Lujan et al.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B153954 Phil Walters as Successor Trustee of the Virginia Brink Living Trust Cadwell
B156120 People v. Garcia
B155117/B158651 People v. Richmond
B155084 People v. Cintron
B157679 People v. Harrell
B154783 People v. Joseph
B157499 People v. Melendez
B153598 People v. Sartin
B150013 People v. Caro
B158227 People v. Anderson
B155730 Chen v. Su

DIVISION THREE (Continued)

Each of the following (continued):

B158325 People v. Washington
B156290 People v. Martinez
B159046 People v. Garcia
B159120 People v. Marsalis S.
B153911 People v. Schivers
B154170 People v. Diaz
B158525 People v. Archuleta
B151821 People v. Woods
B158626 People v. Molina
B156903 People v. McFee
B159092 Children & Family Services v. Araceli G.
B156739 International Union of Operating Engineers, et al
B158637 Children & Family Services v. Eric D.

Argument waived, cause submitted.

B157569 Bickham
 v.
 Little

Merits:

Argued by George Halimi for appellant and by Mitchel J. Ezer for respondents. Cause submitted.

B153302 People
 v.
 Hylland

Merits:

Argued by Christine C. Shaver for appellant and by Jeffrey Hoskinson, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B156010 Otto, et al.
 v.
 L.A. Unified School District, et al.

Merits:
Argued by Michael A. Morguess for appellants and by Scott M. Lidman for respondents. Cause submitted.

B153141 Courtyards of West Hollywood Homeowners Assoc.
 v.
 Fine, et al.

Merits:
Argued by Martin A. Fine, appellants in propria persona and by Lauri Croce Streeter for respondent. Cause submitted.

B149596 People
 v.
 Portelles

Merits:
Argued by Lawrence W. Steinberg for appellant and by Betty B. Chim, deputy attorney general for respondent. Supplemental brief due by appellant on January 13, 2003, response due by the respondent on February 13, 2003. Submission deferred.

B155586 Awofolu
 v.
 Saenz, et al.

Merits:
Argued by Alaba O. Awofolu, appellant in propria persona and by Karen Ackerson-Brazille, deputy attorney general for respondents. Cause submitted.

B156156 Doobenen
 v.
 Aerojet-General, et al.

Merits:
Argued by Joseph A. Walker for appellant and by Nancy L. Abell for respondents. Cause submitted.

DIVISION THREE (Continued)

B162049 Daniel C., et al.
 v.
 S.C.L.A.
 Children and Family Services

Merits:

Argued by Erica S., petitioner in propria persona and by James Owens, deputy county counsel for real party in interest. Cause submitted.

B150963 Robinson Helicopter Company
 v.
 Dana Corporation, et al.

Merits:

Argued by Edwin V. Woodsome for appellants and by Edward J. Horowitz for respondent. Cause submitted.

B146491 People
 v.
 Phan, et al.

Merits:

Argued by Donald Tickle and Dennis Fischer for appellants and by Beverly Falk, deputy attorney general for respondent. Cause submitted.

Court recessed at 12:27 p.m.

Court reconvened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

B154082 Grant
 v.
 Herman, et al.

Merits:

Argued by E. Alan Nunez for appellants and by Timothy Liebaert for respondent. Cause submitted.

DIVISION THREE (Continued)

B151821 People
 v.
 Hammock

Merits:
Argued by Jeffrey A. Needelman for appellant and by Steven E. Mercer,
deputy attorney general for respondent. Cause submitted.

B153088 Parker
 v.
 Automobile Club of Southern California, et al.

Merits:
Argued by William J. Moran for appellants and by Marcus A. Petoyan for
respondent. Cause submitted.

B148400 Greines
 v.
 Ford Motor Company, Inc.

Merits:
Argued by Feris M. Greenberger for appellant and by Anthony Sonnett for
respondent. Cause submitted.

B154713 Androneke K. Kerr Living Trust
 v.
 DeSoet

Merits:
Argued by Joanna Rehm for appellant and by Paul L. Stanton for
respondent. Cause submitted.

B155487 Coalition of Concerned Communities, et al.
 v.
 J.H. Snyder Company, et al.

Merits:
Argued by Jack L. Brown, deputy city attorney and John D. Lien for
appellants and by Craig A. Sherman and Andrew Clare for respondents.
Cause submitted.

Court adjourned at 4:30 p.m.

December 11, 2002 (Continued)

DIVISION FOUR

B155185 People (Not for Publication)
v.
Ruvalcaba

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B156222 450 North Brand
v.
McLarand

Filed order denying petition for rehearing.

B157802 Ditter
v.
Greenberg

Filed order denying petition for rehearing.

B142502 Topanga and Victory Partners
v.
Toghia

Filed order modifying opinion. Application for extension of time to filed petition for rehearing is denied. (Change in judgment)

DIVISION FIVE

B157953 Los Angeles County, D.C.S. (Not for Publication)
v.
Mitchell C.
Mikwika C.

The judgment is reversed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B157702 Tom Foster, et al. (Not for Publication)
 v.
 Linda Boss, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B154885 Cirenio Torres (Not for Publication)
 v.
 County of Los Angeles

The judgment is affirmed, except that that portion of the judgment
awarding the County \$5,000 in defense costs is reversed. The parties are to
bear their own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B153663 Franz Fischer (Not for Publication)
 v.
 Fred Calhoun

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B155704 Franz Fischer (Not for Publication)
 v.
 Fred Calhoun

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

December 11, 2002 (Continued)

DIVISION FIVE (Continued)

B159613 People (Not for Publication)
v.
Skelton

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

B156987 People (Not for Publication)
v.
Cortez

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B151432 Weber
v.
Fitzgerald

Appearances:
Raymond C. Dion for respondents and no appearance by appellant.
Argument waived, cause submitted.

B154127 In re Marriage
 of
 Jaquez

Merits:
Argued by George L. Wittenburg for appellant and by Michael A. Pina for respondent. Cause submitted.

DIVISION SIX (Continued)

B152257 Laursen
 v.
 Pope

Merits:
Argued by Earl Laursen, appellant appearing in propria persona and by Stephanie Bowen for respondents. Cause submitted.

B153607 Vadnais
 v.
 Cambria Community Services Dist.

Merits:
Argued by William S. Walter for appellant, by David M. Fleishman for respondent Cambria Community Services Dist., and by Stephanie Bowen for respondent San Luis Obispo County. Cause submitted.

B139768 Mardesich
 v.
 California Youthful Offender Parole Board

Merits:
Argued by Michael B. Dashjian for appellant and by Randall A. Pinal, Deputy Attorney General, for respondent. Cause submitted.

B151792 Beer & Wine Services, Inc.
 v.
 Dumas

Merits:
Argued by Alan M. Steinberg for appellant and by David A. Juhnke for respondent. Cause submitted.

Court recessed at 11:10 A.M.

Court reconvened at 11:20 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (Continued)

B150552 Dreyfuss
 v.
 Union Bank of California

Merits:
Argued by Michael G. Walker for appellants and by Kevin M. Fong for respondent. Cause submitted.

B137593 Jones
 v.
 First American Title Ins. Co.

Merits:
Argued by Michael W. Case for appellant / cross-respondent First American Title Ins. Co., by John L. Hosack for appellant / cross-respondent Union Bank of California, by Richard M. Norman for respondents Jones, et al., and by Michael G. Walker for cross-appellants Jones, et al. Cause submitted.

Court recessed at 12:40 P.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B156546 Marriage of Main
B156660 Vazquez v. Topstar Nursery

Argument continued to February, 2003.

B159246 Smith v. Hiemier

Argument waived; cause submitted.

DIVISION SIX (Continued)

B157356 Spigener
 v.
 Motel 6 Operating

Appearances:
Kevin Leigh Dorhout for respondent and no appearance by appellant.
Argument waived, cause submitted.

B159551 Delamotte
 v.
 Breese

Merits:
Argued by Lawrence M. Schulner for appellants and by John Anthony
Nestler for respondents. Cause submitted.

B154976 Warner
 v.
 Lompoc Unified School Dist.

Merits:
Argued by Gerald L. Kroll for appellants and by Paul E. Kremser for
respondents. Cause submitted.

B154861 Foy
 v.
 Regents of the University of California

Merits:
Argued by Martin E. Pulverman for appellant Foy, Mack S. Staton for
appellant Simon, and by Karen Kristen Peabody for respondent. Cause
submitted.

B158471 Hoff
 v.
 True

Appearances:
Albert Y. Muralsuchi, Deputy Attorney General, for respondent and no
appearance for appellant. Argument waived, cause submitted.

December 11, 2002 (Continued)

DIVISION SIX (Continued)

Court reconvened at 2:45 P.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B154315 Fanucchi
v.
Belsher

Merits:

Argued by Melissa J. Fassett for appellants and by Steven Patrick Roberts for respondent. Cause submitted.

Court adjourned at 2:55 P.M.

DIVISION SEVEN

B155049 People (Not for Publication)
v.
Marcos P.

To correct clerical errors, the October 2, 2001 minute order is ordered amended to provide as additional conditions of probations: (1) Marcos P. "is not to associate with any children under the age of 12 years old, except in the presence of a responsible adult." (2) Marcos P. "is not to leave the suitable placement without permission." The order as amended is affirmed.

Perluss, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B160178 Geranell D. (Not for Publication)
v.
Superior Court, Los Angeles County
(LA DCFS, r.p.i.)

Petition denied by opinion.

Perluss, J.

We concur: Johnson, Acting P.J.
Woods, J.